

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MALEEHA AHMAD, et al.,)
Plaintiffs,)
v.) Case No. 4:17-CV-2455 RLW
CITY OF ST. LOUIS,)
Defendant.)

DECLARATION OF SERGEANT BRIAN ROSSOMANNO

I, Brian Rossomanno, declare as follows:

1. I am over the age of 18. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts.
2. I am a Sergeant with the City of St. Louis Police Division (“PD”).
3. I am a supervisor of the Civil Disobedience Team.
4. On Friday, September 15, 2017, while working for the PD, I was involved in the protest incidents in downtown St. Louis during the afternoon.
5. During the afternoon, protesters assembled in the streets of Clark Avenue and Tucker Boulevard.
6. I saw numerous objects being thrown at several Metro buses parked nearby.
7. In an effort to clear the area for protest activity, the decision was made to evacuate the buses. However, the protesters would not let all of the buses leave, and at 1:30 p.m., the remaining buses were surrounded by protestors.

8. For the safety of the persons gathered and the PD officers who were on one of the busses, and in order to facilitate a safe path for the buses to exit, a decision was made to get the officers off the bus and form a line.
9. Protestors were surrounding the bus and impeding its attempts to exit. In addition, several of the protesters were throwing objects at the bus and the PD officers near the bus.
10. The protesters continued to throw objects at the bus and officers.
11. Due to the exigent circumstances created by the protesters' actions at the direction of the Incident Commander, I personally gave numerous orders to the protesters, which consisted of informing the protesters that they were in an unlawful assembly, that they should move back from the bus, and that if they did not comply, they would be subject to arrest and/or other actions up to and including the deployment of chemical munitions.
12. Because the protesters were not following the orders, some were arrested and mace was deployed.
13. Later on in the afternoon of September 15, 2017, at approximately 5:00 p.m., I observed protesters throwing debris at PD officers, which included concrete chunks which had been removed from manhole covers and bottles filled with unknown substances. I observed several PD officers injured as a result.
14. In addition, several protesters damaged a PD vehicle.
15. Due to the continued violence and in order to prevent further injury to PD officers and protesters, at the direction of the Incident Commander, I announced over a loud speaker that the assembly had become unlawful and issued a dispersal order. As part of the

dispersal order, I announced that anyone who remained in the area was subject to arrest and potentially subject to the deployment of chemical munitions.

16. The protesters did not disperse. As a result, a CDT line was formed facing north, allowing obvious egress and free movement to the north on Tucker or east on Clark.
17. Although many protesters left after hearing the dispersal order, others refused to leave and several protesters were maced for interfering with the CDT line and throwing objections at officers.
18. On the evening of Friday, September 15, 2017, I was in the Central West End monitoring a large gathering of protestors.
19. At approximately 9:45 p.m., approximately 300 to 500 protesters had gathered at the intersection of Lake and Waterman.
20. At approximately 9:45 p.m., the gathered protesters began to break the windows of a residence located at Lake and Waterman and owned by Mayor Lyda Krewson.
21. Shortly thereafter, Colonel Gerald Leyshock, the incident scene commander, authorized a declaration that the gathering at Waterman and Lake had become an unlawful assembly and that munitions were imminent.
22. At 10:07 p.m., pursuant to Col. Leyshock's directive, I ordered the protestors gathered at Waterman and Lake to disperse using a Public Address System on a PD vehicle.
23. I reasonably believed that the protestors in the vicinity could hear and understand the announcement.
24. Through the course of the evening, I made dozens of similar announcements.
25. I witnessed criminal activity occur throughout the evening, including assaults on law enforcement officers and property damage.

26. I saw officers being struck by bricks.
27. I saw officers being struck by water bottles.
28. I saw officers being sprayed with mace by protestors.
29. I saw windows broken by protestors.
30. I saw cars damaged by paint.
31. At approximately 10:53 p.m., I began to walk north on Euclid towards McPherson with a group of officers.
32. Shortly thereafter, we arrived at the intersection of Euclid and McPherson.
33. North of the intersection on McPherson I saw a group of protestors throwing rocks.
34. I ordered the protestors to disperse.
35. When the protestors refused to disperse, and based on the authorization of the Incident Commander, chemical munitions, including handheld canisters and pepper balls, were deployed.
36. After the protestors dispersed, I returned to my position at Euclid and Hortense.
37. On Sunday, September 17, 2017, I was in Downtown in the City of St. Louis monitoring multiple gatherings of protestors.
38. Between 8:00 p.m. and 9:00 p.m., a multitude of protestors engaged in criminal conduct and violence including breaking storefront windows, destroying flower pots, and throwing furniture into the street on the 900, 1000, and 1100 blocks of Olive Street. The protestors then gathered at Tucker and Olive Street. BRT responded to assist CDT with the protestors.
39. The protestors were ordered to disperse at approximately 8:48 p.m. or be subject to arrest and/or chemical munitions.

40. A second order to disperse announcing that the use of chemical munitions is imminent was given at approximately 8:51 p.m.
41. Chemical munitions in the form of pepper ball and pepper spray were deployed and multiple arrests ensued.
42. At 10:40 p.m., a group of about 50 to 100 persons gathered at the intersections of Tucker and Locust and Tucker and Washington standing on all corners and in the street. I recognized many of these persons as the same individuals who were part of the unlawful assembly that had recently occurred on Olive. These persons physically obstructed the reasonable movement of vehicular and pedestrian traffic in violation of Section 17.16275 of the St. Louis City Code.
43. At approximately 10:50 p.m., I made the following announcement: "This is an unlawful assembly. You are obstructing the movement of vehicular and pedestrian traffic, and hereby ordered to disperse from this area by moving to the sidewalk and leaving the downtown area. Anyone who remains in the area in violation of this order is subject to arrest and/or other actions up to and including the deployment of chemical munitions. You have five minutes to comply with this order."
44. I made the announcement over a loudspeaker at the corner of Locust and Tucker.
45. I reasonably believed that the persons gathered at the intersection of Locust and Tucker and in the vicinity thereof could hear the announcement that I made.
46. After announcing it was time to disperse, I personally walked around the intersections of Locust and Tucker through Washington and Tucker and the surrounding areas and told the persons gathered that it was time to leave.
47. The Incident Commander gave the order for the use of chemical munitions at 11:01 p.m.

48. After my order, I again personally walked around the intersections of Locust and Tucker through Washington and Tucker and the surrounding areas and told the persons gathered that it was time to leave.
49. Some persons left the area. Others heeded the warnings and entered nearby buildings. Many of those who remained, however, responded to my warnings by cursing and stating that they would not leave.

50. The persons who refused to leave were arrested en masse.

51. I observed multiple persons resisting arrest by refusing to pull their arms out from underneath their bodies as they laid on the ground.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of October, 2017.

By:



Brian P. Hickey 5336/300